

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>VIRGINIA SPANO and SUSAN MIZAK,</b>	:	<b>CIVIL ACTION NO. 2:17-CV-717</b>
	:	
	:	<b>(Chief Judge Conner)</b>
<b>Plaintiffs</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>OHIO HOSPICE AND PALLIATIVE CARE d/b/a Paramount Hospice and Palliative Care, PARAMOUNT HOSPICE AND PALLIATIVE CARE, and JAMES J. COX, individually,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 26th day of June, 2019, upon consideration of motions (Docs. 48, 49) for a more definite statement, or in the alternative, to strike defendants' counterclaims by plaintiff Virginia Spano ("Spano"), and further upon consideration of plaintiffs' motion (Doc. 55) for spoliation sanctions, and the briefs in support of and opposition to said motions, and for the reasons stated in the accompanying memorandum, it is hereby ORDERED that:

1. Spano's motion (Doc. 48) for a more definite statement is DENIED.
2. Spano's motion (Doc. 49) to strike is GRANTED in part and DENIED in part as follows:
  - a. Paragraphs 146 and 147 pertain solely to Attorney Davant and are STRICKEN in their entirety. Defendants shall file a second amended answer removing these stricken paragraphs.
  - b. Paragraph 149 is STRICKEN in part. Defendants shall file a second amended answer removing Attorney Davant's name from the allegation in this paragraph.

- c. Plaintiffs shall respond to defendants' second amended answer in accordance with the Federal Rules of Civil Procedure.
  - d. The motion is otherwise DENIED.
3. Plaintiffs' motion (Doc. 55) for spoliation sanctions is DENIED.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania